



Agenda Item Number: 2005-9-7B

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: September 13, 2005

Department: Zoning, Building, Planning & Environmental Health
Staff Contacts: Sanford Fish, Director
George Schroeder, EH, Inspection and Compliance Manager
Julie M. Baca, Deputy County Manager for Community Services Division

TITLE: Amendments to Bernalillo County Code Chapter 42, Article IV, Environmental Health Code

ACTIONS: Convene a Public Hearing

Motion to approve:

1. **Ordinance 2005-_____** amending Bernalillo County Code Chapter 42 Article IV.
2. Administrative Resolution **AR _____-2005** establishing fees for food service establishment permitting and inspection.

SUMMARY:

On August 9, 2005, the Board approved the publication of the Environmental Health Code amendments. Bernalillo County Code Chapter 42, Article IV, Environmental Health Code for food service sanitation in restaurants and food processing facilities does not have a variance procedure. In recent years, several variances have been requested.

The proposed amendment provides for the inclusion of a variance procedure section detailing the application and appeal procedures. The proposed variance language is similar to other variance language used in the Bernalillo County Code. The department director will review any determination of staff, with this being the final administrative decision of the County. Granting a variance must result in public health protection equal to or greater than the minimum protection required by the Environmental Health Code.

Permit fees for food establishments have not changed since they were adopted in 1978. This amendment adjusts the fees to be comparable to those charged by the City of Albuquerque and set by resolution approved by the Board.

ATTACHMENTS:

1. **Ordinance 2005-_____**.
2. **AR _____-2005**
3. Fee comparison table.

FISCAL IMPACT

Increasing the fees as proposed will result in an annual increase in revenue of approximately \$13,500.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

Staff recommends the proposed text amendment to provide a variance procedure in the Environmental Health Code relating to food establishments. The proposed variance is similar to other variances in the Code and would allow the Department Director to grant or deny the variance request. Staff is also requesting to increase permit fees to be in line with the City of Albuquerque. I recommend Board approval. TL 9/5/05

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

The proposed variance procedure will facilitate the application and appeal procedures for Staff who work directly with food service sanitation issues in restaurants and food processing facilities. The variance offers an alternative method of means to the business owner in complying with the intent of the specific provision required by the Code and does not negate the need to obtain permits or approvals as required.

The proposed permit fee increase for business owners who operate a food establishment will allow for the adjustment of the County's fee schedule to be comparable to those charged by the City of Albuquerque, and established fees will be set by resolution by the Board. Recommend approval of the proposed amendments to the Environmental Health Code to add a variance procedure and to increase the permit fee for business owners who operate food establishments in the County. Julie M. Baca 8/29/05

LEGAL

The proposed amendments are consistent with the department's goals of preserving the health and safety of Bernalillo County residents while making the code more flexible to address certain unique circumstances. PFT 7/6/05

FINANCE

Budget Approval of the Ordinance amendment to Bernalillo County Code Chapter 42, Article IV and Administrative Resolution establishing fees schedule for food service establishment permitting and inspection is projected to increase revenue by approximately \$13,500 to Bernalillo County. The Budget Office will review and monitor the increased fees and number of permits issued and inspections performed. If necessary, adjustments to projected revenues will be presented to the County Commission at a future meeting. The increase in revenue will be deposited into the Food and Pools revenue line item. Geri Maestas, Budget Analyst Sr. 8/18/2005